

Exhibit A

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

FEDERAL TRADE COMMISSION; STATE OF
NEW YORK; STATE OF CALIFORNIA;
STATE OF ILLINOIS; STATE OF NORTH
CAROLINA; STATE OF OHIO;
COMMONWEALTH OF PENNSYLVANIA;
and COMMONWEALTH OF VIRGINIA,

Plaintiffs,

v.

VYERA PHARMACEUTICALS, LLC;
PHOENIXUS AG; MARTIN SHKRELI,
individually, as an owner and former director of
Phoenixus AG and a former executive of Vyera
Pharmaceuticals, LLC; and KEVIN
MULLEADY, individually, as an owner and
director of Phoenixus AG and a former executive
of Vyera Pharmaceuticals, LLC,

Defendants.

Case No. 20-cv-00706 (DLC)

ECF Case

Defendants' Disclosure of Rebuttal Experts

Defendants disclose the experts identified below who will provide rebuttal expert reports on or before June 4, 2021.

1. Dr. Anupam B. Jena, Ph.D., M.D.

Based on his experience and analysis of the relevant evidence, Dr. Jena will address the opinions offered by Dr. Hemphill and Dr. Hardy, and opine on Plaintiffs' proposed relevant product market of FDA-approved pyrimethamine products, economic and therapeutic substitutes for those products, the interchangeability of trimethoprim-sulfamethoxazole and compounded pyrimethamine with Daraprim for the treatment of toxoplasmosis, the competitive effects (if any)

of the challenged conduct, Dr. Hemphill's calculation of Defendants' ill-gotten gains (if any), and the extent to which (if at all) those gains are properly attributable to the plaintiff States.

Dr. Jena's curriculum vitae is attached as Exhibit A. Dr. Jena is available to provide deposition testimony on his expert opinions on July 28, July 29, or July 30, 2021.

2. John Russell

Based on his experience and analysis of the relevant evidence, Mr. Russell will address the opinions offered by Mr. Bruno, Mr. Hemphill, and Mr. Conroy, and opine on the sourcing and development of active pharmaceutical ingredients (APIs), Vyera Pharmaceuticals, LLC's ("Vyera") contractual arrangements with Fukuzyu and RL Fine, including without limitation the nature and purpose of such arrangements and the conformity of such arrangements with industry norms, the availability of pyrimethamine API to generic manufacturers during the relevant time period, the distribution of pharmaceuticals and the role of specialty distribution systems, Vyera's inheritance, expansion, and use of a specialty distribution system, including without limitation the reasons for the use of such a system and the conformity of such a system with industry norms, Vyera's agreements with its distributors, the means by which generic pharmaceutical manufacturers can and do obtain samples of FDA-approved drugs for bioequivalence testing, and the availability of samples of Daraprim for use in bioequivalence testing during the relevant time period, including without limitation the methods by which generic manufacturers did acquire (or could have acquired) Daraprim samples.

Mr. Russell's curriculum vitae is attached as Exhibit B. Mr. Russell is available to provide deposition testimony on his expert opinions on July 13, July 27, or August 10, 2021.

3. Sheldon Bradshaw, Esq.

Based on his experience and analysis of the relevant evidence, Mr. Bradshaw will address the opinions offered by Dr. Hemphill, Mr. Bruno, and Mr. Conroy, and opine on the regulatory requirements for submission of an abbreviated new drug application (“ANDA”) to the Food and Drug Administration (“FDA”), including without limitation the reference of a drug master file in an ANDA submission and the ability of an ANDA filer to seek a waiver of reference listed drug retention requirements, the compliance (or lack thereof) by the generic drug manufacturers identified in the Amended Complaint with applicable FDA regulatory requirements, the process for obtaining FDA approval of an ANDA and the factors that can affect whether and when an ANDA is approved, and the FDA’s review and consideration of the ANDAs identified in the Amended Complaint.

Mr. Bradshaw’s curriculum vitae is attached as Exhibit C. Mr. Bradshaw is available to provide deposition testimony on his expert opinions on August 11, August 12, or August 13, 2021.

4. Justin N. McLean

Based on his experience and analysis of the relevant evidence, Mr. McLean will opine on the financial condition of Vyera and Phoenixus AG, including without limitation the inability of those entities to pay a judgment while remaining a going concern.

Mr. McLean’s curriculum vitae is attached as Exhibit D. Mr. McLean is available to provide deposition testimony on his expert opinions on July 22, July 29, or August 12, 2021.

Dated: April 30, 2021

/s/ Kenneth R. David

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Respectfully submitted,

/s/ Steven A. Reed

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